

**NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN of a Meeting of the Zoning Board of Appeals of the Town of Lancaster to be held Thursday, April 14, 2022, at 7:00 P.M., Local Time, in the Town Board Chambers, in the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York. The meeting will be recorded. The items for consideration by the Zoning Board of Appeals at this meeting are:

1). The adjourned and amended petition Lucas James, 43 Conrad Street, Depew, New York 14043 for two [2] variances for the purpose of a site plan approval on premises owned by the petitioner at 5827 Broadway Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for pavement at the east property line without setback landscape area.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of ten [10] feet. The petitioner, therefore, requests a ten [10] foot setback variance.

- B. A variance from the requirements of chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area setback of fifteen [15] feet at the northwest property lines.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum yard for parking, loading and stacking areas from the right-of-way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a five [5] foot setback variance.

2). The petition of Lucas James, 43 Conrad Street, Depew, New York 14043 for one [1] variance for the purpose of a site plan approval on premises owned by United Refining Company at 5835 Broadway Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for pavement at the west property line without setback landscape area.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of ten [10] feet. The petitioner, therefore, requests a ten [10] foot setback variance.

3). The petition of Vick Ghotra, Sylvan Learning, 4845 Transit Road, Lancaster, New York 14086 for one [1] variance for the purpose of installing additional square footage of wall signs on premises owned by Stork Realty Corporation at 4845 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster. The request calls for installing an additional thirty-two [32] square feet of wall signs on the building, totaling 692 square feet of maximum total sign face area.

Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster requires a maximum 660 square feet, as per variances granted on August 10, 2017. The petitioner, therefore, requests a thirty-two [32] square foot variance.

- 4). The petition Laura Baranes, Premier Sign Systems, 10 Excel Drive, Rochester, New York 14621 for one [1] variance for the purpose of installing a wall sign on premises owned by Bausch & Lomb at 6 Lancaster Parkway, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster. The request calls for installing a wall sign of 138 square feet.

Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster requires the total maximum face area of all signs for establishments or enterprises occupying a building be related to the length of the building facing the nearest street, which is 120 square feet for this petition. The petitioner, therefore, requests an eighteen [18] square foot variance.

- 5). The petition of Scott Richthammer, 45 Apple Blossom Boulevard, Lancaster, New York 14086 for one [1] variance for the purpose of installing a chain link fence in a required front yard on a corner lot on premises owned by the petitioner at 45 Apple Blossom Boulevard, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The request calls for installing a four [4] foot tall chain link fence in a required front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires within nonindustrial districts, no fence or wall over three feet in height to extend into the front yard of any lot. The petitioner, therefore, requests a one [1] foot height variance.

- 6). The petition of Ryan Burkard, 268 Hall Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 268 Hall Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a twenty-three [23] foot, ten [10] inch tall pole barn.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the maximum building height of sixteen [16] feet. The petitioner, therefore, requests a seven [7] foot, ten [10] inch height variance.

- 7). The petition of Joey Kellems, 12 Summerfield Drive, Lancaster, New York 14086 for two [2] variances for the purpose of installing a privacy fence in a required front yard on a corner lot on premises owned by the petitioner at 12 Summerfield Drive, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a Primary residence, built in 2013 without an area variance, for a required front yard setback of 16.83 feet.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum front yard of thirty-five [35] feet. The petitioner, therefore, requests an 18.17-foot height variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The request calls for constructing a six [6] foot tall privacy fence in a required front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires within nonindustrial districts, no fence or wall over three feet in height to extend into the front yard of any lot. The petitioner, therefore, requests a three [3] foot height variance.

- 8). The petition of Kathy Fuller, 1 Pinetree Drive, Lancaster, New York 14086 for one [1] variance for the purpose of installing a fence in a portion of a front yard on premises owned by the petitioner at 1 Pinetree Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The request calls for installing a six [6] foot tall fence, thirteen [13] linear feet in a portion of a front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires within nonindustrial districts, no fence or wall over three feet in height to extend into the front yard of any lot. The petitioner, therefore, requests a three [3] foot height variance for thirteen [13] linear feet.

- 9). The petition of Katherine and Donald Baker, 27 Rose Street, Lancaster, New York 14086 for one [1] variance for the purpose of installing a covered patio roof structure on premises owned by the petitioners at 27 Rose Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a covered patio roof structure 30.38 feet from the rear property line.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires the minimum rear yard of thirty-five [35] feet. The petitioners, therefore, request a 4.62 foot variance.

- 10). The petition of 4781 Transit Road, Inc., 4781 Transit Road, Depew, New York 14043 for two [2] variances for the purpose of a Site Plan Review application on premises owned by the petitioner at 4781 Transit Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a building height of 45.42 feet.

Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster requires a maximum building height for a principal structure of thirty-five [35] feet. The petitioner, therefore, requests a 10.42-foot height variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area setback of 12.42 feet.

Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of twenty-five [25] feet. The petitioner, therefore, requests a 12.58-foot setback variance.

11). The adjourned petition of Timothy Boyle, NOCO Express properties, LLC, 2101 St. Rita's Lane, Williamsville, New York 14221 for six [6] variances for the purpose of constructing a car wash facility on premises owned by the petitioner at 3620 Walden Avenue and 371 Central Avenue, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a proposed lot size of .94 acres.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum lot area of one [1] acre. The petitioner, therefore, requests a .06-acre (= 2,613.6 square feet) variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a ten [10] foot side yard setback abutting a residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a residential district of fifty [50] feet. The petitioner, therefore, requests a forty [40] foot variance.

- C. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a ten [10] foot side yard setback abutting a non-residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a non-residential district of twenty-five [25] feet. The petitioner, therefore, requests a fifteen [15] foot variance.

- D. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a ten [10] foot, six [6] inch setback from the west lot line right of way of a dedicated street.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum yard for parking, loading and stacking areas from the right of way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a nine [9] foot, six [6] inch variance.

- E. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a ten [10] foot setback from the south lot line right of way of a dedicated street.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum yard for parking, loading and stacking areas from the right of way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests a ten [10] foot variance.

- F. A variance from the requirements of Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for a parking area with a thirteen [13] foot, six [6] inch side yard setback abutting a residential district.

Chapter 400, Zoning, Section 18, Subsection D, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a residential district of twenty-five [25] feet. The petitioner, therefore, requests an eleven [11] foot, six [6] inch variance.

12). The petition of Tara Mathias, The Broadway Group, LLC, Huntsville, Alabama 35801 for five [5] variances for the purpose of constructing a retail store with parking, site lighting, landscaping, and stormwater management on premises owned by WNY Property Management, LLC at 0 Broadway (S.B.L.# 116.31-3-57.211), Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for the rear yard of the building at thirty-six [36] feet.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for structures abutting a residential district of fifty [50] feet. The petitioner, therefore, requests a fourteen [14] foot variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for a paved parking area at nine [9] feet from the right-of-way.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum yard for parking, loading and stacking areas from the right-of-way of a dedicated street of twenty [20] feet. The petitioner, therefore, requests an eleven [11] foot variance.

- C. A variance from the requirements of Chapter 400, Zoning, Section 28, Subsection E(1)(a)[4][e][i] of the Code of the Town of Lancaster. The request calls for thirty-five [35] parking spaces.

Chapter 400, Zoning, Section 28, Subsection E(1)(a)[4][e][i] of the Code of the Town of Lancaster requires food stores and discount stores must have one space for each one hundred [100] square feet of gross floor area; for this application, one hundred seven [107] spaces. The petitioner, therefore, requests seventy-two [72] parking spaces variance.

- D. A variance from the requirements of Chapter 400, Zoning, Section 28, Subsection G(2) of the Code of the Town of Lancaster. The request calls for the loading area to block seven [7] parking spaces.

Chapter 400, Zoning, Section 28, Subsection G(2) of the Code of the Town of Lancaster require all loading facilities shall be so arranged that they may be used without blocking or otherwise interfering with the use of accessways, parking or stacking facilities, public streets or sidewalks. The petitioner, therefore, requests a variance to block access to seven [7] parking spaces.

- E. A variance from the requirements of Chapter 400, Zoning, Section 28, Subsection G(5) of the Code of the Town of Lancaster. The request calls for one [1] loading space.

Chapter 400, Zoning, Section 28, Subsection G(5) of the Code of the Town of Lancaster requires two [2] loading spaces. The petitioner, therefore, requests a one [1] loading space variance.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
April 7, 2022